

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4796 OF 2004

Krushna Jayram Davalekar .. Petitioner.
V/s.
State of Maharashtra & Others .. Respondents.

Mr.R.K. Mendadkar for the petitioner.
Mr.C.R. Sonawane, AGP for respondent No.1.

CORAM : R.M. LODHA &
NARESH H. PATIL, JJ.

DATED : 8TH AUGUST, 2006.

P.C. :

Heard Mr.R.K. Mendadkar, counsel for the petitioner and Mr.C.R. Sonawane, AGP for respondent No.1.

2. Mr.R.K. Mendadkar strenuously urged that the Caste Scrutiny Committee seriously erred in not accepting the school record of the petitioner's real uncle that recorded his caste 'Mahadeo Koli' in the year 1963 on the ground that the said record pertains to the post constitutional and is of least probative value. He referred to and relied upon the order of this Court dated October 14, 2002 in Writ Petition No.2985 of 2002 Prabhakar Bhikaji Maghade V/s. State of Maharashtra & Others.

3. It is true that the Caste Scrutiny Committee noticed that the caste of petitioner's real uncle is recorded 'Mahadeo Koli' in the school record in the year

1963 at the time of school admission. It is also true that the Caste Scrutiny Committee observed that this record pertains to the post constitutional and least probative value. However, that does not improve the case of the petitioner. Admittedly, Arvind Jayram Davalekar is petitioner's brother. His caste in the school record is recorded 'Koli'. It is admitted by the counsel for the petitioner that school record of petitioner's brother is of 1968. Nothing could be shown by the counsel for the petitioner that the caste of petitioner's brother was recorded erroneously or wrongly in the school record. He also could not show us that any steps were taken by the petitioner's brother for correction of caste in the school record. If there was any error in recording the caste of petitioner's brother, the steps would have been taken immediately for correction thereof. In this backdrop, the view of the Caste Scrutiny Committee that the petitioner has failed to establish that he belongs to caste 'Mahadeo Koli' cannot be said to suffer from any error of law warranting interference of this Court in its extra-ordinary jurisdiction.

4. The writ petition is dismissed in limine.

(R.M. LODHA, J.)

(NARESH H. PATIL, J.)